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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/641,312

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Ryuji Ishiguro

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/641,312	Applicant(s) ISHIGURO ET AL.	
	Examiner Aravind K. Moorthy	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the amendment filed on 18 January 2006.
2. Claims 1-11 are pending in the application.
3. Claims 1-11 have been rejected.
4. Claims 12-25 have been cancelled.

Response to Arguments

5. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ansell et al U.S. Patent No. 6,367,019 B1.**

As to claims 1, 4 and 5, Ansell et al discloses a transmitter device which transmits a content to a receiver device by driving a recording medium that stores the content and management data changed based on usage of the content, the transmitter device comprising:

storage means for storing a check value of calculated on the basis
of the management data [column 11, lines 12-45];

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communication means which, in the authenticating of the receiver device, transmits the management data to the receiver device while receiving a check value calculated on the basis of the management data and a check value calculated on the basis of management data changed based on the usage of the content from the receiver device [column 9 line 58 to column 10 line 55]; and

determination means for determining whether check value of the management data received by the communication means matches the check value of the second data stored in the storage means [column 11 line 56 to column 12 line 28]; and

updater means for updating the check value of the management data stored in the storage means to the check value of the changed management data [column 12, lines 1-8].

As to claim 2, Ansell et al discloses that the storage means inhibits the writing or reading of the check value of the management data in a process other than the authentication process [column 9 line 58 to column 10 line 55].

As to claims 6, 9 and 10, Ansell et al discloses a receiver device for receiving a content from a transmitter device, the receiver device comprising:

communication means which, in the authenticating of the transmitter device, receives, from the transmitter device, a management data changed based on usage of the content while transmitting check value calculated on the basis of the management data to the transmitter device [column 9 line 58 to column 10 line 55]; and

encrypted value generator means for generating the check value of the management data based on the management data received by the communication means, in the authenticating of the transmitter device, the check value for detecting whether the management data has been tampered [column 9 line 58 to column 10 line 55].

As to claim 7, Ansell et al discloses a receiver device further comprising a random number generator means for generating a random number having a predetermined bit number [column 9 line 58 to column 10 line 55]. Ansell et al discloses that the communication means transmits, to the transmitter device, the check value of the management data together with the random number generated by the random number generator means [column 9 line 58 to column 10 line 55].

As to claim 8, Ansell et al discloses a receiver device further comprising

data generator means for generating management data changed based on the usage of the content [column 11 line 56 to column 12 line 28],

wherein the encrypted value generator means generates a check value generated on the basis of the changed management data [column 11 line 56 to column 12 line 28], and

the communication means transmits, to the transmitter device, the check value of the management data together with the check value of the changed management data [column 11 line 56 to column 12 line 28].

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As to claim 11, Ansell et al discloses a communication system comprising a transmitter device which transmits a content by driving a recording medium that stores the content and management data changed based on usage of the content, and a receiver device for receiving the content;

the transmitter device comprising:

storage means for storing a check value calculated on the basis of the management data [column 11, lines 12-45];

first communication means which, in the authenticating of the receiver device, transmits the management data to the receiver device while receiving a check value calculated on the basis of the management data and a check value calculated on the basis of management data changed based on the usage of the content from the receiver device [column 9 line 58 to column 10 line 55]; and

determination means for determining whether the check value of the management data received by the communication means matches the check value of the management data stored in the storage means [column 11 line 56 to column 12 line 28]; and

updater means for updating the check value of the management data stored in the storage means to the check value of the changed management data; and the receiver device comprising:

second communication means which, in authenticating of the transmitter device, receives from the transmitter device, a management data changed based on usage of the content and transmits a check value

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calculated on the basis of the management data to the transmitter device
[column 12, lines 1-8]; and

encrypted value generator means for generating the check value of
the management data based on the management data received by the
communication means, in the authenticating of the transmitter device, the
check value for detecting whether the management data has been tampered
with or not [column 9 line 58 to column 10 line 55].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ansell et al
U.S. Patent No. 6,367,019 B1 as applied to claim 1 above, and further in view of
Bernecker U.S. Patent No. 5,435,599.**

As to claim 3, Ansell et al does not teach that the storage means has a tamper
resistance.

Bernecker teaches a tamper resistant storage medium and its benefits [abstract].

Therefore, it would have been obvious to a person having ordinary skill in the art
at the time the invention was made to have modified Ansell et al so that the storage
medium as taught in the combination above would have been tamper resistant.

It would have been obvious to a person having ordinary skill in the art at the time
the invention was made to have modified Ansell et al by the teaching of Bernecker

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because it solves the problem of falsification and tampering of recording mediums
[column 2 line 67 to column 3 line 15]

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy ^{AM}
January 26, 2006

CEL
Primary Examiner
AU2131
1/26/06